

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

Keith E. Gunther,	:	
	:	
Plaintiff	:	Civil Action 2:10-cv-00997
	:	
v.	:	Judge Economus
	:	
Ed Castineta, <i>et al.</i> ,	:	Magistrate Judge Abel
	:	
Defendants	:	

Report & Recommendation

Plaintiff Keith E. Gunther has failed to file proof of service of the summons and complaint on defendant Officer Lucal within 120 days after filing the complaint. Plaintiff has failed to respond to the Court's May 2, 2014 Order to show cause why defendant should not be dismissed without prejudice pursuant to Rule 4(m), Fed. R. Civil. P. for failure to obtain service on him.

Accordingly, the Magistrate Judge RECOMMENDS that defendant Lucal be DISMISSED without prejudice, under Rule 4(m), Fed. R. Civil. P. for failure to obtain service on defendant Lucal.

If any party objects to this Report and Recommendation, that party may, within fourteen (14) days, file and serve on all parties a motion for reconsideration by the Court, specifically designating this Report and Recommendation, and the part thereof in question,

as well as the basis for objection thereto. 28 U.S.C. §636(b)(1)(B); Rule 72(b), Fed. R. Civ. P.

The parties are specifically advised that failure to object to the Report and Recommendation will result in a waiver of the right to *de novo* review by the District Judge and waiver of the right to appeal the judgment of the District Court. *Thomas v. Arn*, 474 U.S. 140, 150-152 (1985); *United States v. Walters*, 638 F.2d 947 (6th Cir. 1981); *United States v. Sullivan*, 431 F.3d 976, 984 (6th Cir. 2005); *Miller v. Currie*, 50 F.3d 373, 380 (6th Cir. 1995). Even when timely objections are filed, appellate review of issues not raised in those objections is waived. *Willis v. Sullivan*, 931 F.2d 390, 401 (6th Cir. 1991).

s/Mark R. Abel
United States Magistrate Judge